

**FILED**

DISTRICT COURT OF GUAM

JUL -7 2005

MARY L.M. MORAN  
CLERK OF COURT

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

4

ANTHONY K JOHNSON,

Defendant-Petitioner,

vs.

UNITED STATES OF AMERICA,

Plaintiff-Respondent.

Criminal Case No. 95-00115

Civil Case No. 05-00013

**ORDER**

Petitioner Anthony K. Johnson filed a Motion to Vacate, Set Aside or Correct Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 ("motion")<sup>1</sup>. Since this was Petitioner's second motion for § 2255 relief, the Court transferred Petitioner's motion to the Ninth Circuit Court of Appeals for Certification to appeal<sup>2</sup>. Petitioner has not yet received certification from the Ninth Circuit to file a second motion, therefore, this Court lacks jurisdiction to consider the present motion per 28 U.S.C. § 2255. Accordingly, petitioner's motion is hereby DISMISSED.

SO ORDERED this 7th day of July, 2005.  
Notice is hereby given that this document  
entered on the docket on 7-7-05.  
No separate notice of entry on the docket will  
be issued by this Court.

Mary L. M. Moran  
Clerk, District Court of Guam

By: M. Andry B. Allen 7-7-05  
Deputy Clerk Date



Robert M. Takasugi  
United States District Judge

<sup>1</sup> Petitioner filed his original motion on March 30, 2005. See Docket No. 46. On May 10, 2005 Petitioner filed a second motion to conform with the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2255. See, Docket No. 48. Both documents are collectively referred to as the "motion."

<sup>2</sup> See, Order filed May 3, 2005. Docket No. 47.

\* The Honorable Robert M. Takasugi, United States Senior District Judge for Central California, by designation